

Quick Look:

This document includes:

Background Information, Quick Facts, Frequently Asked Questions and Additional Resources about House Bills 5005 and 5007 sponsored by the [House Economic Affairs Committee](#) chaired by [Representative Hukill](#).

Concerned about unlawful business practices?

Call 1-800-HELP-FLA to report a consumer complaint to the Department of Agriculture and Consumer Services

Call 1-866-532-1440 to report unlicensed activity to the Department of Business and Professional Regulation

OPI Pulse: Business Deregulation, HBs 5005 & 5007

Background

The purpose of business regulation in Florida is to protect the health, safety and welfare of the public, as well as facilitate the orderly conduct of commerce. Over two hundred industries are presently regulated by the state. Regulation in Florida entails both licensing and registering various industries, businesses and professionals. Whether a business or professional is registered or licensed is determined in state statute.

The Department of Business and Professional Regulation (DBPR) and the Department of Agriculture and Consumer Services (DACS) are two of the state agencies responsible for administering Florida's business regulation processes. Each agency is responsible for issuing proper licenses and registrations for specific professions and occupations as well as ensuring the enforcement of licensing and registration throughout the state. Each agency also has systems in place for the reporting, investigation, and resolution of consumer complaints. Under the jurisdiction of DBPR and DACS, there are nearly two million licensed or registered businesses and/or professionals operating here in Florida.

Issue at a Glance

During the 2011 Legislative Session, the Business and Consumer Affairs Subcommittee noticed two bills. House Bill 5005 proposed to repeal licensing and examination requirements and penalties for specified professions, occupations and businesses currently regulated by the state. House Bill 5007 proposed to reduce regulatory requirements for professions and businesses. Proponents expressed the following reasons for the proposed legislation:

- Proponents state that excessive regulation has resulted in the restricting of healthy competition and the stifling of consumer choice.
- Proponents also believe the current regulatory framework has resulted in unnecessary burdens on those regulated and hindered employment opportunities.

The bills passed favorably out of the Business and Consumer Affairs Subcommittee and the Economic Affairs Committee and subsequently passed out of the Florida House. The bills were later included in the legislative Budget Conference process and an agreement was reached to include the language in the 2011-12 Budget Conference Report in the form of a conforming bill. The bill failed in the Senate on Friday, May 6, 2011 with a vote of 6 to 32 and as a result, will not be signed into law.

What the Bills Do

The final Deregulation of Professions bill language, as agreed to in Conference Committee Report, proposed to repeal licensing and

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Quick Facts:

The Department of Business and Professional Regulation is currently responsible for licensing the following:

- Architecture
- Asbestos Consultants
- Athlete Agents
- Alcoholic Beverages and Tobacco
- Auctioneers
- Barbers
- Boxing
- Building Officials
- Building Code Inspectors
- Certified Public Accountants
- Community Association Managers
- Construction Industry
- Cosmetologists (including hair braiders, hair wrappers, body wrappers, and nail specialists)
- Electrical Contractors
- Employee Leasing
- Harbor Pilots
- Home Inspectors
- Interior Designers
- Landscape Architects
- Mold-related Services
- Pari-Mutuel Wagering
- Professional Geologists
- Restaurants and Lodging
- Real Estate
- Talent Agents
- Veterinarians

examination requirements as well as penalties for the following specialized professions, occupations and businesses currently regulated by the state:

- Auctioneer Apprentices
- Body Wrappers
- Business Opportunities
- Hair Braiders
- Hair Wrappers
- Interior Designers
- Rooming Houses
- Sellers of Travel
- Television Tube Labeling
- Sales Representative Contracts

House Bill 5007, Reducing and Streamlining Regulations, proposed to reduce regulatory requirements for professions and businesses, and streamline regulatory functions. Among other things, HB 5007:

- Eliminated duplicate licensure requirements for Asbestos Consultants, Asbestos Contractors, and Architects sole proprietorships;
- Reduced the required continuing education requirements to reactivate an inactive license to only one cycle of hours required as opposed to fulfilling an amount equal to the hours required for all years the license was inactive;
- Decriminalized many violations of professional boards' rules and administrative requirements that currently carry second degree misdemeanor fines and penalties;
- Allowed a Certified Public Accountant licensed in another state with five years of experience in the field of public accountancy to become licensed in Florida if all applicable fees are paid regardless of the scope of the applicant's out of state course work;
- Transferred duplicative authority for regulation and enforcement of the Lemon Law from the Department of Agriculture and Consumer Services to the Department of Legal Affairs;
- Transferred duplicative authority for regulation and enforcement of Price Gouging to the Department of Legal Affairs;
- Provided an exemption for the direct sale of homemade foods, such as bake sale items, to consumers.

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The Department of Agriculture and Consumer Services Division of Consumer Services has responsibility for regulating businesses such as:

- Motor vehicle repair shops
- Charitable organizations
- Business opportunities
- Florida Do Not Call Program
- Dance studios
- Pawnbrokers
- Health studios
- Sellers of travel
- Intrastate movers
- Game promotions
- Telemarketing

Additional Resources:

[Department of Agriculture and Consumer Services](#)

[Department of Business and Professional Regulation](#)

[Federal Trade Commission](#)

[Attorney General Consumer Complaints](#)

Frequently Asked Questions: Business Deregulation

Will deregulating certain industries mean there will no longer be measures in place to protect public welfare and safety?

Proponents of the bills assert the public welfare and safety will not be impacted because many of the regulation and licensing requirements included in the bill for repeal are specifically regulated, investigated and enforced by entities other than the State of Florida including the Federal Trade Commission, local government and national associations.

Doesn't the state collect money through licensing and regulation fees? What will happen to that funding now?

The state agencies responsible for administering the regulatory processes do collect funding through licensing and registration fees, fines and penalties. These funds are deposited into the agency's trust fund. By reducing licensure and registration requirements, the collection of revenues by the state will be reduced. However, proponents assert the revenues lost to the state will be offset by the reduced cost to regulate these professions and businesses.

Why were the industries selected for deregulation picked instead of others?

In January of this year, the House Business and Consumer Affairs Subcommittee began a review of the state's regulated professions and businesses. Subcommittee members developed specific criteria in order to determine whether or not various professions, occupations, or businesses were indispensable to public safety or health. Members sought feedback from representatives of various professions in the form of public workshops. As a result of this feedback professions were added to or removed from the proposed legislation.

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